



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAXWAY INTERNATIONAL CO., INC.,

Plaintiff,

-against-

PEPSICO, INC.,

Defendant.

07-CV-3634 (LMM)

STIPULATION + ORDER
OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action, including all claims and counterclaims, be, and the same hereby is dismissed, with prejudice and without costs to either party as against the other.

This stipulation may be executed in facsimile counterparts, each of which shall constitute an original and may be submitted to the Court.

Dated: New York, New York
February 22, 2008

KANE KESSLER, P.C.

By: *Dana M. Susman*
Dana M. Susman (DS-5436)
Jeffrey H. Daichman (JD-8802)
Attorneys for Plaintiff
1350 Avenue of the Americas
New York, New York 10019
(212) 541-6222
(212) 245-3009 fax

PROSKAUER ROSE LLP

By: *Margaret A. Dale*
Louis M. Solomon (LS-7906)
Margaret A. Dale (MD-5117)
Attorneys for Defendant
1585 Broadway
New York, New York 10036
(212) 969-3000
(212) 9692900 fax

SO ORDERED:

[Signature] 2/22/08
U.S.D.J.

#283461.1

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Feb 22 2008 13:18

Fax: 212-245-3009

KANE KESSLER